

Appl. No. 10/038,915
Amdmt. Dated March 15, 2007
Reply to Office Action of December 15, 2006

Amendments to the Drawings:

Replace the drawing sheet containing Figures 1A and 1B with the new drawing sheet enclosed herewith.

Attachment: Replacement sheet

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REMARKS/ARGUMENTS

In paragraph 2 of the detailed action, the Examiner has requested that Figures 1A and 1B be labelled "Prior Art". In the new drawings, this has been done.

Turning now to the claim objections, the expression "adapted to" has been amended to refer to "operable to" on each occurrence.

In claims 11 to 14 the expression "preamble" has been replaced with the term "header" as suggested by the Examiner.

Finally, the brace brackets have been removed from claims 13 and 14. With this amendment, it is assumed the Examiner understands the meaning of the claims without these brace brackets.

Claim Rejections – 35 U.S.C. 102

No claims remain that have a scope equalling that of any of the claims rejected under 35 U.S.C. 102. All of the claims have a scope that is at least as narrow as the claims rejected under 35 U.S.C. 103. As such, the Examiner's rejection under 35 U.S.C. 102 is rendered moot and should be withdrawn.

Claim 10 has been amended to incorporate the subject matter of claims 1 and 3. Similar amendments have been made to claim 17.

Claims 3, 7-10, 13, 17, 20 and 57-59 were rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over Wallace et al. in view of MA et al.

Please be advised that the MA reference (Application No. US 2002/0041635) and the subject application were owned by, or subject to an obligation of assignment to, the same person, at a time when the invention made, as defined in 35 U.S.C. 103(c). In evidence of this, please find enclosed a copy of the Assignment filed in respect of the cited application. This assignment was filed at the time of filing the cited application. The Notice of Recordation is also enclosed. We also enclose a copy of the Assignment for the subject application and the Notice of

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Recordation. These documents establish Nortel Networks Limited as the assignee for both of these cases.

Furthermore, it is noted that the inventions were made in the course of the duties by the inventors and as such the invention was subject to an obligation of assignment to Nortel Networks Limited at the time the invention was made. The conditions set out in 35 U.S.C. 103(c) are satisfied, and this effectively removes MA from being available for use in 35 U.S.C. 103 rejections.

All of the remaining claims based on the original claims are either equal in scope to one of the claims rejected under 35 U.S.C. 103(a) or dependent upon such a claim. As such, the Examiner is respectfully requested to withdraw the 35 U.S.C. 103(a) rejection of the claims.

In view of the foregoing, early favorable consideration of this application is earnestly solicited.

Respectfully submitted,

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